

Plan Commission
Initiated by

P. Delker
Drafted by

January 17, 2008
Date

RESOLUTION R-10-08
A RESOLUTION AMENDING THE COMPREHENSIVE DEVELOPMENT PLAN
FOR ORCHARD POINTE

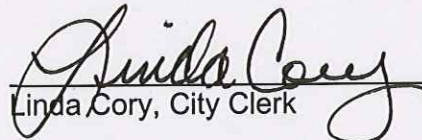
WHEREAS, Mayo Corporation, on behalf of EZ Nesbitt, has requested an amendment to the Comprehensive Development Plan for Orchard Pointe originally adopted in April 2006, so as to address reduced building size and subsequent reduced trip generation tables for proposed Lots 3-4, 6 and 7, and

WHEREAS, the Plan Commission of the City of Fitchburg has reviewed and recommended approval of the proposed amendments,

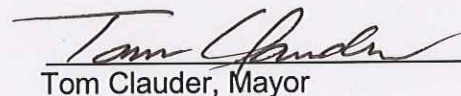
NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Fitchburg, Dane County, Wisconsin herewith approves Amendment 2 to the Orchard Pointe Comprehensive Development Plan with the following condition:

1. No other permit or approval is waived or deemed satisfied except for the approval herein provided.

Adopted by the City Council of the City of Fitchburg this 22nd day of January 2008.


Linda Cory, City Clerk

Approved: January 26, 08


Tom Clauder, Mayor

Orchard Pointe

Comprehensive Development Plan

Amendment Two

PREPARED FOR

**EZ Nesbitt LLC
c/o Tim Neitzel
Air Temperature Services Inc.
5301 Voges Road
Madison, WI 53718**

PREPARED BY

**Mayo Corporation
600 Grand Canyon Drive
Madison, WI 53719**

December 18, 2007

December 28, 2007 Response to City Staff Comments

Table of Contents

	Page No.
Introduction / Background	1
General Description	1
Sequence of Development Approvals	2
Land Use Development and Zoning	2
Traffic Generation and Circulation	2
Open Space Preservation	3
Storm Water Management	4

Attachments

- A. Table 1 Development Parameters
- B. Trip Generation Comparison (Strand Report) 6 February 2006
- C. Orchard Pointe Open Space Ledger

Introduction/Background/Chronology

The Orchard Pointe Comprehensive Development Plan (CDP) was adopted by the City of Fitchburg in April 2006 after extensive public review and discussion. The CDP established the framework for the commercial development of approximately 110 acres located in the southwest quadrant of the McKee Road x Verona Road intersection.

The Plan addressed issues and set development parameters for land use, zoning, public improvements, architectural character, traffic circulation, storm water management and open space preservation.

During the course of discussion on the CDP, the City and the property owners acknowledged that the sequence of development in this area would require revision and amendment in order to incorporate property assembly, rezoning and land divisions that had not been completed or contemplated at the time of the original adoption.

This amendment is the second amendment of the CDP and focuses on Lots 3-4, 6, and 7 of the Orchard Pointe II Preliminary Plat [Note: Final Plat or CSM Lot Numbers are different and have been noted]. This portion of Orchard Pointe is generally the area that was occupied by the former Urban Links indoor golf driving range and the EZ Gregory property. These lots are planned to be accessible from Hardrock Road only and have no access to McKee Road.

Orchard Pointe Chronology

2002 through 2005	General planning.
April 2006	Orchard Pointe Comprehensive Development Plan (CDP).
July 2006	Rezoning of Orchard Pointe (Ord.# 2006-O-17) and (Ord.# 2006-O-18).
September 2006	Super Target Store site plan and land division.
January 2007	Orchard Pointe CDP Amendment One – Relating to lands east of Fitchrona Road and the re-alignment of Hardrock Road (Orchard Pointe II Preliminary Plat)
February 2007	Rezoning of McKee Road frontage easterly from Fitchrona Road (Ord.# 2007-O-05) Relating to Lots 1, 2, 3, 4 and 7 Orchard Pointe II Preliminary Plat.

General Description

Lot 3-4 Orchard Pointe II Preliminary Plat (Final Plat Lot 6). The first amendment of the Orchard Pointe CDP anticipated development of a 26,800SF (square foot) mixed-use retail and office building on Lot 3-4 (13,400SF first floor retail and 13,400SF second floor office). After several months of planning and design revisions, the owner has determined that a smaller office area is more appropriate at this location and would likely be more successful in the current real estate market in the city. Therefore this

amendment proposes a 23,550SF mixed use (13,550SF first floor retail and 10,000SF second floor office) on Preliminary Plat Lot 3-4 (Final Plat Lot 6).

Lot 6 Orchard Pointe II Preliminary Plat (Final Plat Lot 7). The development concept for Lot 6 has not been changed.

Lot 7 Orchard Pointe II Preliminary Plat(Final Plat Lot 8). This amendment proposes a 6,500 SF reduction in the medium format retail use(s) ("junior boxes") initially proposed on Lot 7 in order to reconcile and satisfy the required 35% open space requirement with the required additional Hardrock Road ROW and new driveway alignments to accommodate functional site circulation. These modifications were partially the result of the Staff and Plan Commission comments regarding the building site locations on the initial development concept.

Other aspects of the development in the Orchard Pointe area will be consistent with the architectural guidelines included in the adopted Orchard Pointe CDP, as amended, which continue to be applicable to this location.

Development parameters relating to zoning, building size, parking, open space, and traffic generation are summarized in Table 1 "Development Parameters".

Sequence of Development, Approvals

After this CDP Amendment, there are three additional steps to the City approval process for development at this location. It is anticipated that these will be submitted for review concurrently with, or immediately following this request. EZ Nesbitt LLC is projecting that public improvements and general site improvements will proceed immediately following final approval and will be completed in 2008. The first phase of building construction will likely be on Lots 3-4, and 6 (Final Plat lots 6 and 7).

1. CDP Amendment.
2. Final Plat of Orchard Pointe or CSM re PP lots 3, 4, 6, and 7.
3. *Conditional Use Permit Review* of site plan and Architectural Review of individual development sites.
4. Conditional Use Permit for proposed use/tenants as needed.

Land Use Development and Zoning

No changes are proposed in the Orchard Pointe CDP Land Use Plan and Zoning relating to the area encompassed by Lots 3, 4, 6, and 7 of the Preliminary Plat of Orchard Pointe II. (now Final Plat Lots 6, 7, and 8). Attachment A is "Table I -- Orchard Pointe Development Parameters". This table summarizes land use, zoning, projected gross floor areas, parking demands, and projected traffic for the approved Orchard Pointe CDP compared with this proposed amendment.

Traffic Generation and Circulation

The approval of the initial Orchard Pointe CDP included a provision that future land uses would need to be generally consistent with, but could not exceed, the vehicle trip generation projections which were included in the Traffic Impact Analysis report and supplemental information prepared by Strand and Associates, and RLK Engineering. These projections and the anticipated vehicle trips for the various uses and building sizes in Orchard Pointe have been included in Table 1 in order to monitor the potential impacts of this development.

Lots 3-4, 6 and 7 encompass the area identified as parcels 800 and 900 in the 6 February 2006 summary of the Strand Report. (See Attachment B) Development on these two parcels was originally forecast to total 147,000 square feet of commercial and mixed commercial uses with a total peak afternoon vehicle traffic estimated at 742 trips.

Since the initial CDP and Amendment 1 approvals, the conceptual site plan sketches have been refined to address issues and concerns identified by general market analyses, City Staff comments, and City Plan comments. The conceptual site plan sketches for this area now show potential development of 120,925 square feet and more realistic diversification of probable uses rather than the two large apparel stores and three restaurants illustrated in the initial concept. These modifications result in a lowering of the projected afternoon peak hour travel by to a total 540 trips which is 202 trips lower than the maximum established in the Strand Report. [Note for background: The Orchard Pointe CDP projected 744 PM peak trips, Amendment One revised this projection downward to 573 PM peak trips]

Open Space Preservation

The overall goal of 35% open space within the Orchard Pointe area is being maintained. At a minimum, each lot will provide and maintain at least 20% of its area as pervious open space. As site plans are finalized, some lots may be required to secure an "interest" in the permanently preserved "Open Space Outlots" within the Orchard Pointe Preliminary Plats. (Orchard Pointe Prelim Plat Outlots 4 & 5, Orchard Pointe II Outlot 1, which are Final Plat Outlots 3, 4, and 7)

Within the portion of Orchard Pointe that is owned by EZ Nesbitt, LLC, (Lots 3, 4, 6, and 7 and Outlot 1 of Orchard Pointe II Preliminary Plat), it is currently anticipated that there will be sufficient open space to satisfy the 35% and 20% requirements of the CDP.

The initial site plan layouts that were created to analyze the lot configuration alternatives for the Orchard Pointe II Preliminary Plat, indicated that development on Lots 3, 4, 6 and 7, potentially would need to obtain interest in 0.73 acres of "off-lot" open space that was shown as permanently preserved in Outlot 1 of the Orchard Pointe II Preliminary Plat and in Outlot 4 of the Orchard Pointe Preliminary Plat (see Utilization Outlots table in CDP Amendment 1- 2/28/07). Based on the conceptual site plan revisions that were prepared in response to City Plan Commission comments however, the open space provided by

Outlot 1 and the "on-lot" yards and planting areas appear to be sufficient for development of the EZ Nesbitt properties. Therefore, rights to additional open space in the Orchard Pointe Preliminary Plat (Outlots 4 and/or 5) should not be needed. [Note: Orchard Pointe Preliminary Plat Outlots 4 and 5 correspond to Outlots 3 and 4 in the Orchard Point Final Plat]

If, during the process for site plan and architectural design approval, it is determined that additional open space is needed to meet the 35% standard, then the owner/developer of the individual lots would obtain rights to count a portion of the open space in the Orchard Pointe Preliminary Plat Outlots 4 and/or 5.

Attachment C is a preliminary version of a spreadsheet entitled "Orchard Pointe Open Space Ledger" which identifies:

- the required amount of open space for each lot in the proposed Final Plat of Orchard Pointe and,
- the amount of permanently protected open space area that is available on Final Plat Outlots 3 and 4 that could be utilized to meet the 35% standard.

As each lot is proposed for development, the approved site plan will determine the amount of open space (non-impervious area) that is provided. If off-lot open space is required, the owner/developer of each individual lot has the option to either obtain the right to count open space from the owner of the two outlots, or to revise the site plan to provide the required open space area on-lot. A permanent open space easement would be recorded each lot/outlot as needed in order to memorialize the allocation of the open space.

Allocating the permanent open space through easements has the primary advantage that the two "Open Space Outlots" will be owned singly, rather than having multiple joint and common owners, which simplifies maintenance obligations and tax liabilities.

Storm Water Management

This amendment does not propose any changes relating to the approved stormwater management design for Orchard Pointe. All of the lands owned by EZ Nesbitt, LLC are part of the Jamestown Storm Water Management Assessment area, and drain to the existing basins that are maintained by the City. Consequently, these lots only need to satisfy City stormwater infiltration, and oil and grease treatment requirements. Each lot will be encouraged to maximize infiltration of clean roof water and treated parking lot water beyond the minimum standards if feasible.

Current Approved CDP (including Amendment 1)

Proposed Amendment Two -- 18 December 2007

Wingra Wingra Netzel	Open Space Parcels		Environmental Corridor	
	OP OL 3	7.73	Private Open Space	
	OP OL 4	4.28	Private Open Space	
	OP OL 7	0.25	Private Open Space	
	2.82		Environmental Corridor	
	OP OL 1	1.52 P-R	Public Parkland	
	OP OL 2	1.17	Public Parkland	
	OP OL 6	0.13	Public Parkland	
	3.62		Environmental Corridor	
	OP OL 5	3.62 P-R	Stormwater Management	
Public Street Rights of Way				
	12.19		Total	
	0.28		McKee Road	
	8.64		Fitchvona Road	
	0.48		Nesbitt Road	
	1.13		Limestone Lane	
	1.66		Hardrock Road	

Summary CDP Amendment 2		Total Projected Gross Floor Area	Total Projected Average Daily Traffic (Raw Trips)	Total Projected PM Peak Trips (Raw Trips)	2006 Strand Projection	Net Difference
Commercial Area	97.54	695,955 SF	35,633	2,955	3,379	(424)
Street Rights of Way	12.19					
Total	109.73					

Use Mix			
	#	GFA	
Large Format Retail	2	254,550	36.6%
Med. Format Retail	5	135,000	19.4%
Specialty Retail & Restaurant		170,425	24.5%
Stand-alone Restaurant	3	16,800	2.4%
General Office		63,000	9.1%
Banks/Credit Union	2	12,190	1.8%
Warehousing		44,000	6.3%
Dwelling Units	40		
		Gross Floor Area	695,955

Use Mix	#	GFA	
Large Format Retail	2	254,550	36.1%
Med. Format Retail	1	141,500	20.1%
Specialty Retail & Restaurant	1	170,275	24.1%
Stand-alone Restaurant	3	16,800	2.4%
General Office	2	66,400	9.4%
Banks/Credit Union	2	12,180	1.7%
Warehousing		44,000	6.2%
Dwelling Units	40		
		Gross Floor Area	705,705

Orchard Pointe Open Space Ledger

This Ledger is intended to provide a record of the location and amount of preserved and created open space within the Orchard Pointe development as required by the Orchard Pointe CDP, as amended.

The Orchard Pointe CDP requires that 20% of the area of each lot be maintained as open space (to include all landscaped pervious surfaces: lawn, planting beds, parking islands if planted, retaining wall location of the overall Orchard Pointe development area (net of street ROW and dedicated parklands) be preserved as open space.

Revision Dates: Apr 3, 2006 CDP Approval (Sept. 2006)
Sept. 2006 Ryan CSM, Site Plan Approval
Jan. 2007 CDP Amendment re: Hard rock Road alignment, re-zoning and preliminary lotting of tracts east of Fitchrona Road
XX, 2008 Final Plat Approval
Draft: 12/13/07, 12/26/2007/modified format for readability, 01/02/08 data correction

Shading indicates lots that do not yet have an approved site plan.

Lot	Lot Area (acres)	Maximum Impervious Area				Open Space Goal per CDP				Required Open Space				Open Space Provided – Per Approved Site Plan							Notes and Location of open space
		% Area		Area		% Area		Area		Minimum On-lot Open Space Area		On+ Lot	Off-Lot				Total				
		%	Area	%	Area	%	Area	%	Area	OP Outlot 3	OP Outlot 4		OP Outlot 5	OP Outlot 7	Other						
CSM 11969 Lot 1 OP Lot 1 OP Lot 2 CSM 11969 Lot 3	1.50	20.32	80.0%	16.26	35.0%	7.11	20.0%	4.06	4.06	0.00	0.00	3.82	0.00	0.00	7.88	Super Target Store and out buildings Open Space is provided in yards, screening berm, parking islands and OP Outlot 5					
	1.51																				
	2.11																				
	15.20																				
Aggregated Four Lots																					
OP Lot 3	2.03	65.0%	1.32	35.0%	0.71	20.0%	0.41	0.71	0.71	0.00	0.00	0.00	0.00	0.00	0.71	Open Space anticipated to be entirely on lot					
OP Lot 4	1.24	65.0%	0.81	35.0%	0.43	20.0%	0.25	0.43	0.43	0.00	0.00	0.00	0.00	0.00	0.43	Open Space anticipated to be entirely on lot					
OP Lot 5	8.12	65.0%	5.28	35.0%	2.84	20.0%	1.62	2.84	2.84	0.00	0.00	0.00	0.00	0.00	2.84	Open Space anticipated to be entirely on lot					
OP Lot 6	1.54	65.0%	1.00	35.0%	0.54	20.0%	0.31	0.31	0.31	0.00	0.00	0.00	0.25	0.00	0.56	Open Space anticipated to be on lot and on OL 7 Exceeds minimum					
OP Lot 7	2.80	65.0%	1.82	35.0%	0.98	20.0%	0.56	0.98	0.98	0.00	0.00	0.00	0.00	0.00	0.98	Open Space anticipated to be entirely on lot					
OP Lot 8	8.32	65.0%	5.41	35.0%	2.91	20.0%	1.66	2.91	2.91	0.00	0.00	0.00	0.00	0.00	2.91	Open Space anticipated to be entirely on lot					
OP Lot 9	2.59	80.0%	2.07	35.0%	0.91	20.0%	0.52	0.52	0.52	0.39	0.39	0.00	0.00	0.00	0.91	Open Space anticipated to be on lot and on a portion of OL 4					
OP Lot 10	3.78	80.0%	3.02	35.0%	1.32	20.0%	0.76	0.76	0.76	0.56	0.56	0.00	0.00	0.00	1.32	Open Space anticipated to be on lot and on a portion of OL 4					
OP Lot 11	3.74	80.0%	2.99	35.0%	1.31	20.0%	0.75	0.75	0.75	0.56	0.56	0.00	0.00	0.00	1.31	Open Space anticipated to be on lot and on a portion of OL 3					
OP Lot 12	11.65	80.0%	9.56	35.0%	4.18	20.0%	2.39	2.39	2.39	1.79	1.79	0.00	0.00	0.00	4.18	Open Space anticipated to be on lot and on a portion of OL 3					
OP Lot 13	2.13	80.0%	1.70	35.0%	0.75	20.0%	0.43	0.43	0.43	0.32	0.32	0.00	0.00	0.00	0.75	Open Space anticipated to be on lot and on a portion of OL 3					
OP Lot 14	4.11	65.0%	2.67	35.0%	1.44	20.0%	0.82	1.44	1.44	0.00	0.00	0.00	0.00	0.00	1.44	Open Space anticipated to be entirely on lot					
Subtotal	66.43	49.54	23.25	13.29	18.53	2.67	0.95	3.82	0.25	0.00	0.00	0.00	0.00	0.00	26.22						
Unallocated areas of Open Space Outlots ***																					
Outlot 3	3.20									0.53					0.53						
Outlot 4	4.28									3.33					3.33						
Outlot 5	3.82										0.00				0.00	No allocation is permitted					
Outlot 7	0.25											0.00									
Subtotal	11.55									0.53	3.33	0.00	0.00	0.00	3.86						

*** Developers may obtain an openspace interest from OL 3 and OL 4 if unable to provide sufficient area on lot

Plat Total

Net Dev. Area	77.98	18.53	3.20	4.28	3.82	0.25	0.00	30.08
---------------	-------	-------	------	------	------	------	------	-------

Raw Trip Generation

2/6/2006

No reduction factors used

Fitchburg Commons Trip Generation

January 5, 2005 TIA

Land Use					Land Use						
100	Commercial	20.7	Size	ITE Code	Total PM Trips	Development C	35.1	ITE Code	Size	Unit	Total PM Trips
**	Large Scale Discount		174,550	813	703	Home Improvement Superstore		862	152,600	1000 GFA	374
	Specialty Retail		9,600	814	26	General Office Building		710	80,000	1000 GFA	119
	Specialty Retail		8,400	814	23	Residential Condominium/Townhouse		230	50	DU	26
	Drive In Bank		5,000	912	229						
	High Turn-over Restaurant		5,600	932	61						
300	Commercial	5.7									
	Home Improvement		50,000	862	123						
	Specialty Retail		8,000	814	22						
2002	Detension	4.0									
	Total		261,150	GFA	1187	Total			287,600	GFA	519
200	Commercial	11.6				Development B	8.7				
	Arts and Crafts Store		20,000	879	124	Drive-in Bank		912	5,000	1000 GFA	229
	Office Supply Superstore		25,000	867	85	Specialty Retail		814	45,000	1000 GFA	122
	Specialty Retail		20,000	814	54	General Office Building		710	45,000	1000 GFA	67
	Specialty Retail		6,000	814	16						
	Specialty Retail		7,500	814	20						
	High Turn-over Restaurant		6,000	932	66						
	** Drive in Bank - 3 windows		5,000	912	229						
	Total		89,500	GFA	594	Total			95,000	GFA	418
800	Commercial Mixed Use	5.8				Development E	16.9				
	Apparel Store		40,000	870	153	Free-Standing Discount Store		815	124,000	1000 GFA	627
	High Turn-over Restaurant		7,000	932	76	Specialty Retail Center (Outlot 1)		814	14,000	1000 GFA	38
	Fast Food with Drive Through		3,000	934	104	Specialty Retail Center (Outlot 2)		814	11,500	1000 GFA	31
900	Commercial	7.8				Specialty Retail Center (Outlot 3)		814	11,500	1000 GFA	31
	Apparel Store		80,000	870	306	High-Turnover (Sit-Down) Restaurant		932	13,000	1000 GFA	142
	Specialty Retail		10,000	814	27	Total					870
	High Turnover Restaurant		7,000	932	76	Subtract Specialty Retail (Outlot 1)	-1.3		(14,000)		-38
	Total		147,000	GFA	742	Total			160,000	GFA	832
Parcels not Included in Fitchburg Commons but in January 2005 TIA						Development A	4.3				
Added Parcels Not in Fitchburg Commons 4.3						Drive-in Bank		912	5,000	1000 GFA	229
Jungs Redevelopment 48,000 442						High-Turnover (Sit-Down) Restaurant		932	15,000	1000 GFA	164
						Business Hotel		312	80	Rooms	50
						Total			48,000		442
						From Development E (Portion)					
CarQuest/Monkey Shines Redev 1.3 14,000 38						Add Specialty Retail (Outlot 1)	1.3		14,000		38
Total 62,000 480						Total			62,000		480
Planned Unit Development 270 407						Development D					
						Planned Unit Development		270	656	DU	407
						Total					407
Grand Total Trips without Reduction 3410						Grand Total Trip without Reduction					2656

Added Parcels South of Area Analyzed in Original TIA												
	Land Use	20.7	Size	ITE Code	Total PM Trips		Land Use	Size	ITE Code	Unit	Total PM Trips	
400	Commercial-Mixed Use	3.7										
	General Office		30,000	710	45							
	Specialty Retail		12,000	814	33							
	Quality Restaurant		6,000	931	45							
	Fast Food with Drive Through		3,000	934	104							
500	General Office	3.6										
	General Office		56,000	710	83							
600	Commercial	1.8										
	Gas/Service w/ Convenience		4,000	945	385							
700	Commercial Mixed Use	7.1										
	Specialty Retail		6,000	814	16							
	General Office		30,000	710	45							
	Warehousing		30,000	150	14							
1000	Commercial Mixed Use	5.2					Already Occurring Trips	5.2				
	Specialty Retail		6,000	814	16		Warehouse	44,000	150	0.47	44	
	General Office		15,000	710	22							
	Warehousing		15,000	150	7							
1100	Commercial Mixed Use	5.3					Already Occurring Trips	5.3				
	High-Turnover Restaurant		-	932	0		High-Turnover Restaurant	5,000	932	10.92	16	
	General Office		-	710	0		Specialty Retail	24,000	814	2.71	27	
	Specialty Retail		15,000	814	41		Warehouse	8,000	150	0.47	8	
1200	Omitted	4.6										
2000	Open Space	5.0										
2004	Open Space	1.7										
					856							95

